

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile on December 10, 2003, to the Office of Patent Legal Administration at facsimile number (703) 305-1013, and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Charlene L. Woods
Charlene L. Woods

#21

PATENT

Attorney Docket No. P32685

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Storm et al.

Application No.: 09/689,483

Filed: October 12, 2000

For: NOVEL METHOD OF TREATMENT

)
)
) Group Art Unit: 1615
)
) Examiner: Rachel M. Bennett
)
) Confirmation No.: 9497
)

Office of Patent Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAXING UNIT

DEC 10 2003

FAXING UNIT

Sir:

PETITION FOR DEFERRAL OF ISSUANCE OF PATENT UNDER 37 C.F.R. § 1.314

Pursuant to 37 C.F.R. § 1.314, and having paid the issue fee on November 26, 2003, Applicants hereby respectfully petition the Commissioner to grant a deferral in the assignment of a patent number and issue date to the referenced allowed United States patent application. Please charge the required fee of \$130.00 for consideration of this Petition, as set forth in 37 C.F.R. § 1.17(h), to Deposit Account No. 19-2570.

Applicants request a deferred issuance of a prospective United States patent for the causes set forth below, which Applicants believe constitute good and sufficient reasons for the action sought.

On March 11, 2003, Applicants filed a Second Supplemental Information Disclosure Statement ("IDS") with a single Form PTO 1449, along with the relevant

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Attorney Docket No. P32685
Application No.: 09/689,483

references cited thereon. The Office has acknowledged receipt of the IDS and the Form PTO 1449, as indicated by its date stamp on the receipt postcard that accompanied the IDS and Form PTO 1449. Applicants did not receive a signed copy of the accompanying Form PTO 1449. After receiving the Notice of Allowance, Applicants' representative contacted the Examiner on October 8, 2003, to discuss the best procedure in which to get the Form PTO 1449 before the Examiner and, based on that discussion, sought to inspect the file and obtain a copy of the Form PTO 1449 which would then be placed in front of the Examiner. Applicants' representative has been checking with the records of the Office, and the application has continued to be unavailable for inspection, up until payment of the issue fee on November 26, 2003.

Applicants believe that it is very important that the face of the ensuing patent accurately reflect all documents that were considered during prosecution of the above-referenced patent application, and the undersigned is concerned that the Patent Office will in the near future assign to this application a patent number and issue date without consideration of these papers. Thus, Applicants hereby respectfully request a delay in the assignment of a patent number and an issue date to this application until the Office has acknowledged its consideration of the documents set forth in the IDS filed on March 11, 2003.

To facilitate this process, Applicants also enclose copies of the IDS and Form PTO 1449 that had been originally hand-delivered to the Office March 11, 2003, as well as the date-stamped postcard indicating receipt on March 11, 2003.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Attorney Docket No. P32685
Application No.: 09/689,483

Please grant any extensions of time required to enter this Petition and charge
any additional required fees to Deposit Account No. 19-2570.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 10, 2003

By: Jean B. Fordis
Jean B. Fordis
Reg. No. 32,984

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

LAW OFFICES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
Stanford Research Park
700 Hansen Way
Palo Alto, CA 94304

Telephone
(650) 849-6600

Facsimile
(650) 849-6666

FACSIMILE TRANSMITTAL

TO

Office of Patent Legal Administration
U.S. Patent and Trademark Office
Fax No.: 703-305-1013
Phone No.: 703-308-5107
App. of: Storm et al.
USSN: 09/689,483

FROM

Name: Jean B. Fordis
Phone No.: 650-849-6607
Fax # Verified by: smb
Pages (incl. this): 9
Date: December 10, 2003
Our File No.: P32685

FAX RECOVERED
DEC 10 2003

Confirmation Copy to Follow: No

In re Application of:

Storm et al.

Application No.: 09/689,483

Group Art Unit: 1615

Filed: October 12, 2000

Examiner: Rachel M. Bennett

For: NOVEL METHOD OF TREATMENT

The following paper is filed herewith:

1. Petition for Deferral of Issuance of Patent Under 37 C.F.R. § 1.314 (3 pages)
2. Copies of Supplemental IDS and Form 1449 hand-delivered on March 11, 2003 (4 pages), and stamped postcard indicating receipt.

If there is a problem with this transmission, notify fax room at (650) 849-6600 or the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.